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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/241,153 | 02/01/1999 | TAKAAKI TERASHITA | 048986-5001 | 8305 |
| 9629 | 7590 | 12/14/2004 | EXAMINER | |
| MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004 | | | TILLERY, RASHAWN N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/241,153

Applicant(s)

TERASHITA, TAKAAKI

Examiner

Rashawn N Tillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 12 and 13 are objected to because of the following informalities:
Applicant claims "the plurality of different manufacturers" on line 3 of claims 12 and 13, respectively; there is insufficient antecedent basis for the limitation. Appropriate correction is required.

Response to Arguments

Applicant's arguments filed June 22, 2004 have been fully considered but they are not persuasive.

Regarding Applicant's arguments concerning the Dalton et al patent, the examiner acknowledges that Dalton does not expressly disclose storing image processing conditions in a LUT. However, as discussed in the previous Office Action, Parulski discloses a signal processing section which inherently optimizes image processing. Dalton teaches storing operation parameters in LUTs for optimizing imaging operation.

Thus, Applicant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US5040068) in view of Dalton et al (US5493332).

Parulski teaches an image recording unit, 30 (image processing unit) with interchangeable image pickup units, 4a and 4b (mono and color, high and low resolution). In a first embodiment, figure 1, a coding means, 14, sends identifying signals to the recording unit for identifying the image pickup unit (mono and color) based on the characteristics of the sensor (see col. 3, lines 49-61; also col. 4, lines 9-19). Similarly, in a second embodiment (figure 2), a coding means is used to identify the image pickup unit (high and low resolution), and a signal processing section is added (84, in figure 2). The signal processor includes processing such as color separation, white balance, gamma correction, etc (see col. 5, lines 57-68 and col. 6, lines 1-9). Additionally, in the second embodiment, the A/D converter, 34, is inside the image pickup unit.

Regarding claims 1 and 6, Parulski discloses, in two separate embodiments- figures 1 and 2, an image processing apparatus (30) for carrying out image processing on digital image signals, which have been acquired by one kind of a plurality of different

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kinds of digital cameras (interchangeable image pickup units 4a and 4b), the apparatus comprising:

input means (30) for reading the digital image signals and receiving camera kind information (code means 30 sends identifying signals) the camera kind information representing the one kind of the different kinds of digital cameras used to acquire the digital image signals (mono or color);

and image processing means (84).

Parulski does not expressly disclose a recording means having condition information recorded thereon. Additionally, Parulski does not expressly disclose a selection means for selecting optimum processing conditions.

Dalton teaches, in figure 2, a CCD head 11 and camera controller 12 configured to accept a variety of CCD imagers from different suppliers. The camera head includes a memory 28 in which a plurality of look-up tables are defined. The memory stores operating parameters of a selected CCD imager from a variety of imagers. CEU 12 downloads all of the parameters associated with the attached CCD imager to match the parameters with an ID card (32, 35) to carry out appropriate processing techniques. Thus, since Parulski's signal processor includes "image processing conditions", it would have been obvious to one of ordinary skill in the art, given Dalton's teachings of storing processing parameters in LUTs, to include values for each of the different kinds of cameras for color correction of the digital image signals in a LUT. The examiner additionally notes that in producing digital color images, regardless of the imager attached (high or low resolution), Parulski inherently reproduces "uniform" images. One

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would have been motivated to implement Dalton's teachings of adding LUTs to store predetermined image processing conditions to permit replacement of a defective or inoperable CCD imager quickly and without return of the camera processor to the manufacturer.

Regarding claim 2, Parulski discloses statistical information (shutter, aperture, speed of image sensor) of the digital image signals is calculated (see col. 5, lines 3-8), and the image processing conditions are determined in accordance with the statistical information.

Regarding claim 3, Parulski discloses displaying the identity of the pickup unit (see col. 4, lines 65-68 and col. 5, lines 1-3).

Regarding claim 4, see Examiner's notes above.

Regarding claim 5, Parulski discloses manually inputting the camera kind information (see col. 9, lines 3-8).

Regarding claim 8, see claim 2 above.

Regarding claim 9, see claim 3 above.

Regarding claim 10, see Examiner's notes above.

Regarding claim 11, see claim 5 above.

Allowable Subject Matter

1. Claims 12 and 13 would be allowable is written in accordance with the above stated corrections.

Regarding claims 12 and 13, the prior art does not teach or fairly suggest an image processing apparatus comprising an input portion, receiving portion, selecting portion and image processing portion, wherein

the image processing apparatus carries out image processing on digital images that have been acquired by a particular model of a plurality of different models among a plurality of different manufacturers of color digital cameras.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT


AUNG MOE
PRIMARY EXAMINER